

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JANE DOE 1, Individually and on Behalf of
All Others Similarly Situated,

Plaintiff,

-v-

JPMORGAN CHASE BANK, N.A.,

Defendant/Third-Party Plaintiff,

-v-

JAMES EDWARD STALEY,

Third-Party Defendant.

22-cv-10019 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.:

On April 21, 2023, the parties in the above-captioned case convened a joint telephone call to the Court to discuss an examination of plaintiff Jane Doe regarding her claims of emotional distress and related issues that was scheduled to occur on April 24, 2023 pursuant to Rule 35. See Fed. R. Civ. 35. Counsel for third-party defendant James ("Jes") Staley objected to the upcoming examination, because it was to be performed by a psychiatrist who had been retained as an expert by defendant JPMorgan Chase Bank, N.A. ("JP Morgan"). Counsel for Mr. Staley requested that the Court order a second Rule 35 examination of Jane Doe or, in the alternative, that the Court appoint a psychiatrist chosen by Mr. Staley to conduct the sole examination of her. Counsel for JP Morgan objected to both of Mr. Staley's

requests, insisting that the psychiatrist whom it had selected would be suitably impartial. Counsel for Jane Doe objected to any order requiring her to submit to two examinations, noting that each examination would likely be a traumatic experience.

Upon due consideration of the parties' arguments, the Court, pursuant to Rule 35, adjourned the examination scheduled for April 24, 2023, and directed the parties to confer and select an examiner to whom they could jointly consent. By email dated April 25, 2023, counsel for JP Morgan informed the Court that the parties had jointly selected Dr. Stuart B. Kleinman, M.D. and provided the Court with a copy of Dr. Kleinman's curriculum vitae. The Court has reviewed Dr. Kleinman's impressive credentials and finds him very well suited to the task at hand. Accordingly, Dr. Kleinman is hereby appointed to examine Jane Doe pursuant to Rule 35. All fees are to be borne jointly and severally by JP Morgan and Mr. Staley.

SO ORDERED.

New York, NY
April 27, 2022


JED S. RAKOFF, U.S.D.J.